

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

MELVIN RUSSELL
SSAN XXX-XX-0346
YEAR OF BIRTH 1965*Defendant(s)*

Case No.

14 mj 2328

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUL 07 2014

MATTHEW J. DYKMAN
CLERK**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/20/2014 in the county of SAN JUAN in the
District of NEW MEXICO, the defendant(s) violated:*Code Section**Offense Description*

TITLE 18 USC SECTION 2241

AGGRAVATED SEXUAL ABUSE

TITLE 18 USC SECTION
2246(2)(A)

TITLE 18 USC SECTION 1153

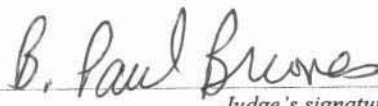
CRIMES IN INDIAN COUNTRY

This criminal complaint is based on these facts:
SEE ATTACHED AFFIDAVIT☒ Continued on the attached sheet.*Complainant's signature*

BRAD MICHAEL, SPECIAL AGENT, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/07/2014*Judge's signature*City and state: FARMINGTON, NM

B. PAUL BRIONES, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, being duly sworn, do hereby depose and state:

1. I am a regularly appointed Special Agent (SA) of the Federal Bureau of Investigation (FBI), currently assigned to the Farmington, New Mexico, Resident Agency. I have been an SA for 23 years, and was a police officer for eight years before joining the FBI. I primarily investigate violent crimes, including rape, on the Navajo Indian Reservation.
2. I was notified by Navajo Division of Criminal Investigation (NDCI) Criminal Investigator (CI) Jerrick Curley that a 42 year old woman, referred to hereinafter as Jane Doe, said she had been raped on the night of 05/19/2014 or the early morning hours of 05/20/2014 by Melvin Russell, at Russell's residence in Nenahnezad, New Mexico.
3. Jane Doe went to the Sexual Assault Nurse Examiner's (SANE) office in Farmington, NM, for a sexual assault examination. Injuries consistent with a sexual assault were noted, including bruising to her vagina, and bruises and scrapes on her throat, arms, breasts, torso, and legs.
4. Jane Doe was interviewed and said on the evening of 05/19/2014 she went with a female friend and the friend's four year old daughter to Russell's residence in Nenahnezad. The adults drank some alcohol, and Russell became sexually aggressive with Jane Doe's friend, who told him to stop or she would have her male friends beat him up. The friend and her daughter then went to sleep on Russell's couch.
5. Jane Doe said Russell then began to get sexually aggressive with her (Doe). She resisted his advances, and Russell became violent. He grabbed her around the neck and choked her, causing bruises. Russell pulled out a large samurai type sword and threatened to chop her up and deposit her body parts in various areas of the reservation. Russell then raped Jane Doe vaginally, and continued to strike and choke her.

6. Jane Doe said the sexual assaults continued into the early morning hours, until her friend and the little girl woke up. Russell then allowed her to get dressed and leave.
7. Jane Doe went to a friend's house and told him what happened. She then reported the assault to the police.
8. A samurai sword was removed from Russell's residence, either by Jane Doe or her friend. It was turned over to CI Curley as evidence.
9. Melvin Russell was interviewed on 05/29/2014 and said he did not recall any sexual contact with Jane Doe that night, and denied raping her. He said he might have owned a sword at one time, but had given it away. He didn't recall when or to whom he gave the sword.
10. Melvin Russell was re-interviewed on 07/01/2014. He identified a photograph of the sword in evidence and admitted it was his. He said he had in fact threatened Jane Doe with the sword so that he could do what he wanted with her. Russell said he considered rape to be forcing someone to have sex against their will. I asked Russell if he raped Jane Doe, and he answered "yes". He said he was sorry he had done it, and felt bad for Jane Doe.
11. Both Melvin Russell and Jane Doe are enrolled members of the Navajo Indian tribe.
12. The location of the assault is within the exterior boundaries of the Navajo Indian reservation.

Based on the above, I have probable cause to believe Melvin Russell, an Indian person, committed the crime of Aggravated Sexual Abuse, in violation of Title 18 USC Section 2241, against Jane Doe, by placing her in fear of death or serious bodily injury and committing a sexual act upon her person, in violation of Title 18 USC Section 2246(2)(A) through contact between his penis and her vulva; and that this offense occurred in Indian Country, in violation of Title 18 USC Section 1153. I request a warrant for the arrest of Melvin Russell be issued.

A handwritten signature in black ink, appearing to read "Brad Michael", written over a horizontal line.

Brad Michael, Special Agent, FBI

Sworn to before me on this date
07/07/2014, in Farmington, New Mexico

A handwritten signature in black ink, appearing to read "B. Paul Briones", written over a horizontal line.

B. Paul Briones

United States Magistrate Judge

